

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AVANDIA MARKETING, SALES	:	
PRACTICES AND PRODUCTS LIABILITY	:	MDL No. 1871
LITIGATION	:	No. 07-md-01871-CMR
	:	
	:	
THIS DOCUMENT RELATES TO ALL	:	
ACTIONS	:	
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**TWENTY-FIRST REPORT AND RECOMMENDATION OF
THE SPECIAL MASTER AS TO
A PROPOSED CASE-SPECIFIC SCHEDULING ORDER**

The Special Master submits this Report and Recommendation recommending that the Court enter a new case-specific scheduling order covering all of the cases remaining in the MDL and not subject to a settlement agreement.

On November 9, 2012, the Special Master filed his Twentieth Report and Recommendation, recommending the adoption of a case-specific scheduling order. On December 20, 2012, the Court adopted the Report and Recommendation and entered PTO No. 186, setting forth a case-specific scheduling order for 48 cases in three discovery groups. Over the next six months, the parties engaged in discovery in these cases, but the vast majority of the cases within the three discovery groups were resolved through motion practice, voluntary dismissals or (in most cases) settlements between plaintiffs and defendant GSK. As cases were dismissed or settled, the parties notified the Special Master, who selected replacement cases for the resolved cases.

After the last round of dismissals and settlements, only 23 cases remain in the three discovery groups (seven in Discovery Group A; six in Discovery Group B; and ten in Discovery

Group C). Under PTO No. 186, cases in both Discovery Group A and Discovery Group B are scheduled to complete case-specific discovery by September 17, 2013. Cases in Discovery Group C are scheduled to begin discovery on July 19, 2013 and complete discovery by November 16, 2013. At this time, fewer than 90 cases remain pending in the MDL (at the time of the Twentieth Report and Recommendation, almost 500 cases remained). As such, and after consultation with the parties, the Special Master is recommending that all remaining cases be placed in one of two new discovery groups.

First, the 13 cases currently in Discovery Group A or Discovery Group B would be placed in a new Discovery Group D, which would follow the existing deadlines for these cases, as set forth in PTO No. 186. The remaining 75 cases would be placed in Discovery Group E, which would follow the same general timelines as in PTO No. 186, with discovery commencing 14 days after entry of a new case-specific scheduling order and ending 120 days after the commencement of discovery. Any cases filed in or transferred to the MDL after the date of this Report and Recommendation would follow a similar timeline, with discovery commencing 60 days after filing or transfer. GSK has reviewed this proposed case-specific schedule and has indicated its consent to it.

The attached proposed Scheduling Order sets forth the above recommendation and the Special Master recommends its adoption by the Court.

Dated: July 2, 2013

/s/ Bruce P. Merenstein
Bruce P. Merenstein, Special Master

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CERTIFICATE OF SERVICE

I, Bruce P. Merenstein, hereby certify that on July 2, 2013, I caused to be electronically filed the foregoing **Twenty-First Report and Recommendation of the Special Master As to a Proposed Case-Specific Scheduling Order**. Through the Court's ECF system, this document is available for viewing and downloading.

/s/ Bruce P. Merenstein
Bruce P. Merenstein